

EXHIBIT 48

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

4 IN RE: NATIONAL)
5 PRESCRIPTION) MDL No. 2804
6 OPIATE LITIGATION)
7 _____) Case No.
8) 1:17-MD-2804
9)
10 THIS DOCUMENT RELATES) Hon. Dan A.
11 TO ALL CASES) Polster
12)

13 THURSDAY, JULY 11, 2019

14 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
15 CONFIDENTIALITY REVIEW

16 - - -

17 Videotaped deposition of Michael
18 Mapes, held at the offices of The Mining
19 Exchange, A Wyndham Grand Hotel & Spa,
20 8 South Nevada Avenue, Colorado Springs,
21 Colorado, commencing at 9:41 a.m., on the
22 above date, before Carrie A. Campbell,
23 Registered Diplomat Reporter and Certified
24 Realtime Reporter.

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1 Q. Were all of those positions in
2 the diversion side of DEA?

3 MR. BENNETT: Objection. Form.

4 THE WITNESS: They were all
5 related to the diversion program, yes.

6 QUESTIONS BY MS. MCCLURE:

7 Q. And so some of your positions
8 may not have been actually having you housed
9 in diversion, but the subject matter about
10 which you were employed for DEA related to
11 diversion in all of your 30-year -- in all of
12 your positions over 30 years?

13 A. That's correct.

14 Q. You started out as a diversion
15 investigator in Detroit and Cleveland?

16 A. Yes.

17 Q. Detroit was approximately
18 '80 -- sorry, '77 to '83 or '84?

19 A. Yes.

20 Q. And then Cleveland was '83 or
21 '84 to '85 or '86?

22 A. Yes.

23 Q. I note that you graduated from
24 college, which was Ferris State University,
25 in 1974; is that correct?

1 A. It is.

2 Q. And then what -- did you have
3 any jobs or positions between 1974 and 1977?

4 A. I did.

5 Q. What were those?

6 A. I was a deputy sheriff for
7 about two and a half years in Michigan, and
8 after that I worked for the -- as a civilian
9 for the Department of the Army as a budget
10 analyst for about a year.

11 Q. And then you applied for a
12 position at DEA?

13 A. Yes.

14 Q. What is a diversion
15 investigator?

16 A. Someone that investigates
17 registrants or potential registrants that
18 handle controlled substances, investigates
19 the movement of controlled substances and
20 diversion of controlled substances from
21 legitimate channels.

22 Q. In the course of your duties as
23 a diversion investigator, did you conduct
24 audits or cyclic investigations of
25 registrants?

1 A. I did.

2 Q. Including wholesalers?

3 A. Yes.

4 Q. In connection with those cyclic
5 audits -- am I using the correct phrase?

6 A. Yes.

7 Q. Okay. In connection with those
8 cyclic audits, would you review suspicious
9 order monitoring systems?

10 A. Yes.

11 Q. Was that a standard part in
12 your experience of a diversion investigator's
13 role?

14 A. It was.

15 Q. And so it was a responsibility
16 that diversion investigators needed to carry
17 out with respect to registrants for the field
18 office to which they were assigned?

19 A. That's correct.

20 Q. The results of those audits
21 would be reported on a DEA 6 report?

22 A. They would.

23 Q. If a diversion investigator
24 determines that a registrant was not
25 complying with the regulations, would the

1 investigator tell the registrant what that
2 registrant was doing wrong?

3 MR. BENNETT: Objection.

4 Incomplete hypothetical.

5 QUESTIONS BY MS. MCCLURE:

6 Q. You can answer.

7 A. Yes, they would.

8 Q. And that's in your experience
9 at DEA?

10 A. Yes.

11 Q. As a diversion investigator?

12 A. Yes.

13 Q. And later as a group
14 supervisor, you expected your diversion
15 investigators to communicate with registrants
16 about what they were doing wrong?

17 A. Yes.

18 Q. So that they could correct it?

19 A. That's right.

20 Q. Was it an expectation in your
21 experience that a diversion investigator in
22 such a circumstance would follow up to see if
23 that issue had been corrected?

24 MR. BENNETT: Objection. Form.

25 THE WITNESS: It would be

1 followed up, whether it was by that
2 diversion investigator or another one.

3 QUESTIONS BY MS. MCCLURE:

4 Q. Okay. Audits can also be
5 conducted outside of the cyclic process if
6 there was a particular reason or something
7 came up that suggested that an audit might be
8 appropriate; is that accurate?

9 A. It is.

10 Q. What was your next position at
11 DEA after diversion investigator in
12 Cleveland?

13 A. I was a staff coordinator at
14 headquarters in Washington, DC.

15 Q. And was that for -- for how
16 long a period of time?

17 A. A little less than a year.

18 Q. What is the job of a staff
19 coordinator?

20 A. To review the reports from a
21 field office and the requests from the field
22 office for assistance with investigative
23 matters.

24 Q. So do I have it correct that a
25 field office, one of DEA's field offices, may

1 reach out to headquarters because they had
2 something that they required more resources
3 for than they had available to them?

4 A. Either resources in terms of
5 funding or in terms of more personnel or
6 whatever they needed.

7 Q. Did headquarters have access to
8 some information that a field office would
9 not have had access to?

10 A. Yes.

11 Q. Let me rephrase that question.

12 Would a diversion investigator
13 reach out to a staff coordinator such as
14 yourself to get some information to support
15 an investigation?

16 MR. BENNETT: Objection. Form.

17 THE WITNESS: They may.

18 QUESTIONS BY MS. MCCLURE:

19 Q. You later became an instructor
20 at Quantico?

21 A. Yes.

22 Q. Quantico is a location in
23 Virginia where DEA diversion investigators
24 train; is that right?

25 A. It is.